

Docket NO. 09-CPCN-25

CK# 102 80174/00-162  
6.22.09 \$300.00

# **TIDEWATER**

## **UTILITIES INC.**

Norma  
Lyndee  
Kurn  
Katie  
Karen

RECEIVED  
2009 JUN 22 PM 12:00  
DELAWARE

### Certificate of Public Convenience and Necessity Application

New Castle County

NC 52009

# **TIDEWATER**

## **UTILITIES, INC.**

*"Southern Delaware's Premier Water Company Since 1964"*

June 22, 2009

Mr. Kevin Neilson  
Public Service Commission  
861 Silver Lake Blvd.  
Suite 100  
Dover, DE 19904

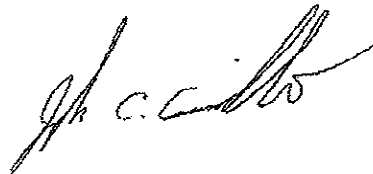
Re: CPCN Application -NC 52009

Dear Mr. Neilson;

Enclosed you will find the CPCN application for NC 52009 area located in New Castle County, Delaware.

Two original and ten copies of the application have been included. A check payable to the Public Service Commission in the amount of \$300.00 has also been included for the application fee. If I can be of further assistance upon your review, please do not hesitate to contact me at 302-734-7500 Ext. 1014.

Respectfully,



Joseph C. Cuccinello  
CPCN Coordinator  
Tidewater Utilities, Inc.

cc: Mr. Grover P. Ingle, SFMO w/enclosures  
cc: Mr. Ed Hallock, DPH w/enclosures  
cc: Ms. Katherine Bunting-Howarth, DNREC w/enclosures

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED  
TO BEGIN OR EXPAND THE BUSINESS  
OF A PUBLIC WATER UTILITY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

Application Fee            \$300 for filing each extension to a CPCN  
                                 \$750 for filing each original application for new water utility 26 Del. C. §114(a)

This form of application must be filed for each new and expanding water system pursuant to 26 Del. C. §203C.

**WATER UTILITIES:**            NC 52009

1. Basis for application:

- ☐ a.        Water in the proposed service area does not meet the Regulations Governing Public Drinking Water Systems of the State Board of Health for human consumption; {26 Del. C., §203C (d)(2)(a)}; or
- ☐ b.        Water supply in the proposed service area is insufficient to meet the projected demand; 26 Del. C., §203C (d)(2)(b)}; or
- ☐ c.        The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government; {26 Del. C., §203C (e)(1)(a)}; or
- ☒ d.        The applicant is in possession of a petition signed by all of the parcel owners of the proposed territory to be served; {26 Del. C., §203C (e)(1)(b)}; or **Exhibit A**
- ☐ e.        The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; {26 Del. C., §203C (e)(1)(c)}.

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption {26 Del. C., §203C(a)}.

3. Tidewater Utilities, Inc. requests an informal fact finding procedure during review of    application.

4. (a.)    Full legal name and address of Applicant:

Tidewater Utilities, Inc.  
1100 South Little Creek Road  
Dover, Delaware 19901

(b.)    Full name of the Utility's designated representative:

Joseph C. Cuccinello  
Emily R. Opdyke

(c.)    Phone no: 302-734-7500 X1014 or X1012

(d.)    Fax no: 302-734-9297

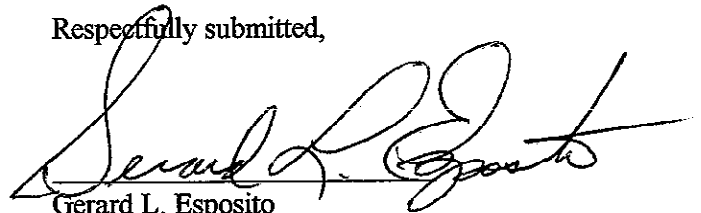
(e.)    Email address: [jcuccinello@Tuiwater.com](mailto:jcuccinello@Tuiwater.com) or [eopdyke@tuiwater.com](mailto:eopdyke@tuiwater.com)

5. Supporting documentation required by 26 Del. C. §203C(e)(1), including evidence that all landowners of the proposed territory have been notified of application: **Exhibit B**

6. A complete list of county tax map parcel number(s) for the area covered by the application: **Exhibit C**

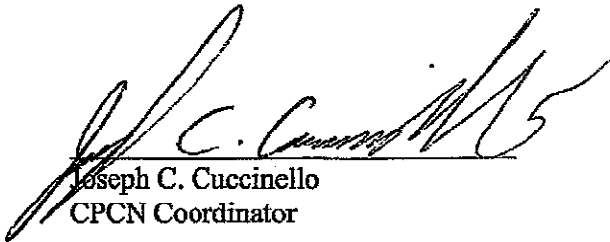
7. A complete list of county tax map parcel number(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area: **Exhibit C**
8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:
- (a.) The Applicant is currently furnishing water to its present customers in Delaware in such a fashion that water pressure at every house supplies is at least 25 psi at all times at the service connection.
  - (b.) The Applicant shall furnish water to the house or separate location of each new customer in the Delaware at a pressure of at least 25 psi at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 psi at each house at all times at the service connection.
  - (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and
  - (d.) The Applicant is currently not subject to any Order issued by the Commission finding that Tidewater Utilities, Inc. has materially failed to provide adequate or proper safe water services to existing customers.
9. Copies of petitions signed by landowners showing a majority of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permit Applicant to provide them with public water. **Exhibit A**
10. (a.) A copy of the application must be sent to State Fire Marshall, Public Health Department, and Department of Natural Resources.
- 1.) The current status of such application is: **Sent**
  - (b.) The Applicant provides the following additional information with this application;
    - 1.) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers, **On PSC File**
    - 2.) A chart, which depicts the inter-company relationships, **On PSC File**
    - 3.) A map identifying all areas, including all towns, cities, counties and other governments subdivisions to which service is already provided, **On PSC File**
    - 4.) All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years, **On PSC File**
    - 5.) Applicant's audited financial statements, 10K's and all proxy material for the last two years, **On PSC File**
    - 6.) Any additional information required by PSC Staff will be made available on request.

Respectfully submitted,

  
Gerard L. Esposito  
President

### **Certification of Landowner Information Accuracy**

By submitting this application, Tidewater Utilities, Inc. hereby certifies that we have reviewed the appropriate tax or land record documents; and that according to those documents, the landowners identified in the parcel lists are the landowners of record and that the petitions contained in this application have been signed by the landowners of record.



Joseph C. Cuccinello  
CPCN Coordinator

# **EXHIBIT A**

Tidewater (TUI) - Water Petition  
1-800-523-7224  
[www.tuiwater.com](http://www.tuiwater.com)

**PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC.  
WATER SERVICE TERRITORY**

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that all of the property owners must sign this petition in order for Tidewater Utilities, Inc to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties:

Tax Parcel Number(s): 1500800012

Property Owner(s): Nancy Ann Dunning  
172 Sawmill Branch Rd  
Townsend, DE 19734

Owner's Signature(s): ☒ Nancy A Dunning Date: 3-2-09

Owner's Signature(s): ☒ \_\_\_\_\_ Date: \_\_\_\_\_

Please sign and date at the X and then return the signed petition to the following address:

Tidewater Utilities, Inc.  
1100 S. Little Creek Road  
Dover, DE 19901

zn104

A-09-016  
P-09-0131

# **EXHIBIT B**



# TIDEWATER

## UTILITIES, INC.

*"Southern Delaware's Premier Water Company Since 1964"*

May 20, 2009

Certified Mail # 7007 3020 0002 5598 9409

Nancy Ann Dunning  
172 Sawmill Branch Rd  
Townsend, DE 19734

Dear Nancy Ann Dunning

Tidewater Utilities Inc. (Tidewater) would like to thank you for the receipt of your signed petition requesting Tidewater to provide water service to your property, parcel number 1500800012 located in New Castle County.

Tidewater will be submitting an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC) on or about **June 19, 2009**. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, Tidewater will have the permission to provide public water service to your parcel. It is important for you, as the landowner, to know that when water service is made available to your parcel you are not obligated to connect to our water system as long as your current water supply is functioning properly. If you agree to have your property be part of this proposed service area, no action on your part is required at this time.

Tidewater understands that customer satisfaction and quality water are the foundation of our business. In 2007 Tidewater was awarded the Torch Award by the Delaware Better Business Bureau for our Marketplace Ethics. Tidewater a part of Middlesex Water Company was recently named one of America's 100 most trustworthy publicly traded firms according to Audit Integrity, Inc. In addition, Tidewater was voted Best Tasting Water in 2007 by Delaware Rural Water Association.

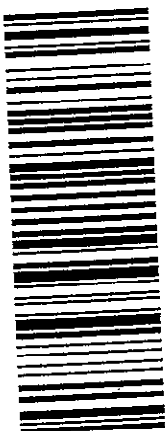
If you have any questions in regards to this matter please feel free to contact me at 1-800-523-7224 ext. 1014.

Sincerely,



Joseph C. Cuccinello  
CPCN Coordinator

US POSTAGE



**RETURN RECEIPT  
REQUESTED**

Nancy Ann Dunning  
172 Sawmill Branch Rd  
Townsend, DE 19734

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(Endorsement Required)

23

**Restricted Delivery Fee  
(Endorsement Required)**

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Total Postage &amp; Fees

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Postmark  
MAY 20<sup>th</sup> 2009  
LITTLE CREEK DE  
19967  
USPS

U.S.P.

**Nancy Ann Dunning**  
172 Sawmill Branch Rd  
Townsend, DE 19734

PS Form 3800, August 2006

**See Reverse for Instructions**

# CERTIFICATE OF MAILING

**CERTIFICATE OF MAILING**  
U.S. POSTAL SERVICE  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

Received From: **Lawyer Offices, Inc.**

**TideWater Utilities, Inc.**  
1100 South Little Creek Road  
Dover, DE 19901

9-201

One piece of ordinary mail addressed to

172 Sawmill Branch Rd  
Boulevard, DE 19734

PS Form 3817, Mar. 1985

017H15554738  
\$5.540  
05/20/2009  
Mailed From 1999

US POSTAGE

017H16554788  
\$1.50  
06/69  
Mailed From 19901

U.S. POSTAGE

# EXHIBIT C

Exhibit C

FirstName1	LastName1	StreetNumber	City	State	Zip	ParcelAC	ParcelID
Nancy Ann	Dunning	172 Sawmill Branch Rd	Townsend	DE	19734	63.93	1500800012

MAPS

SEE

ORIGINALS

IN DOCKET